IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 16332 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MONARK EDUCATION TRUST - Petitioner(s)
Versus
NATIONAL COUNCIL FOR TEACHERS EDUCATION & 1 - Respondent(s)

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Appearance :

MS MAMTA R VYAS for Petitioner(s) : 1,
MR PK JANI for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 29/08/2006

ORAL JUDGMENT

1. Rule. Learned advocate Shri Prakash Jani waives service of notice of rule on behalf of the

respondents. At the request of learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. The petitioner-trust desirous of starting a PTC college, applied for recognition to the respondents. The respondent no.1 herein found that certain requirements are not fulfilled. A show cause notice dated 1-4-2005 was issued calling upon the petitioner to fulfill certain requirements. The petitioner replied to the said show cause notice under communication dated 27-4-2005. The petitioner along with the said reply enclosed certain documents for complying with the queries raised by the respondent no.1.

3. Eventually, however, by an order dated 23-11-2005 the application of the petitioner came to be turned down by the respondent no.1. The petitioner therefore, preferred an appeal against the said order before respondent no.2. The appeal came to be rejected on 28-4-2006. The petitioner has therefore, approached this Court

challenging the said order passed by the respondents.

4. As can be seen from orders dated 23-11-2005 and 28-4-2006, majority of the requirements were of procedural nature. In fact, the petitioner claims to have fulfilled all the requirements. Learned advocate Shri Jani for the respondents however, submitted that the petitioner had not placed before the authorities original receipt of Fixed Deposit of Rs. 5 Lakhs towards Endowment Fund. He submitted that the academic year of 2005-2006 has come to an end. It would therefore, not be possible to consider the request of the petitioner for the said academic year.

5. Learned advocate Ms. Mamta Vyas for the petitioner also submitted that respondent wrongly insisted on a NOC being given by the State Government before application for recognition can be considered. She submitted that the petitioner had placed reliance on

certain decisions of this Court.

6. Considering the submissions made and considering the material on record, it would be appropriate that the respondents reconsider the question of grant of recognition to the PTC college proposed to be started by the petitioner-trust. For the said purpose, impugned orders dated 23-11-2005 and 28-4-2006 passed by respondents no. 1 and 2 respectfully are quashed. The request of the petitioner for being granted recognition shall be considered afresh on the basis of documents of the petitioner which are already produced on record and which may be produced within a period of two weeks from today. It will be open for the petitioner to supply original of the Fixed Deposit Receipt. As contended by learned advocate for the petitioner though belatedly, many of the requirements were fulfilled by the time appellate order came to be passed, I am sure the respondents shall take into consideration the material before the authorities and pass a fresh order in accordance

with law. This may be done expeditiously. The question of granting recognition for the previous year of-course does not arise.

7. With these observations and directions, the petition is disposed of. Rule made absolute the the above extent with no order as to costs.

Direct service is permitted.

(Akil Kureshi, J.)

(raghu)